

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEFFREY J. CHOWANIEC,

Plaintiff,

-v-

6:24-CV-85

WHITESBORO POLICE DEPT
and BRANDON MACERA,

Defendants.

APPEARANCES:

OF COUNSEL:

JEFFREY J. CHOWANIEC
Plaintiff, Pro Se
910 Utica Street
Oriskany, NY 13424

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On January 18, 2024, *pro se* plaintiff Jeffrey Chowaniec (“plaintiff”) filed this 42 U.S.C. § 1983 action alleging that defendants violated his civil rights in connection with an encounter that occurred on March 1, 2023. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On March 12, 2024, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff's IFP Application, conducted an initial review of the pleading, and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with partial leave to amend. Dkt. No. 4.

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 4. Upon *de novo* review, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

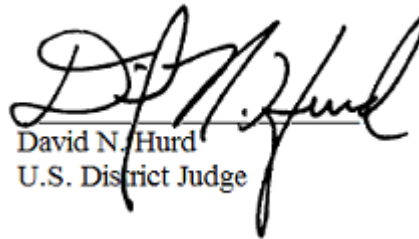
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED;
3. Plaintiff's Fourth Amendment claim against the Whitesboro Police Department is DISMISSED WITH PREJUDICE;
4. Plaintiff's Fourth Amendment claim against Macera is DISMISSED WITH LEAVE TO AMEND;
5. Plaintiff shall have thirty (30) days in which to file an amended complaint that conforms with the specific instructions set forth in the R&R;
6. If plaintiff timely files an amended pleading, the Clerk is directed to return the matter to Judge Dancks for further review as appropriate; and
7. If plaintiff does not timely file an amended pleading, the Clerk is directed to close this matter without further Order of the Court.

IT IS SO ORDERED.

Dated: April 4, 2024
Utica, New York.



David N. Hurd
U.S. District Judge